



Ohio Revised Code

Section 6111.314 Reporting and monitoring requirements.

Effective: July 21, 2022

Legislation: House Bill 175 - 134th General Assembly

(A) The director of environmental protection may impose all of the following mitigation reporting and monitoring requirements on any person performing mitigation as required under division

(B)(1)(a) of section 6111.313 of the Revised Code:

(1) A requirement that all mitigation for an ephemeral feature that is a water of the state be monitored for up to two years following the completion of mitigation construction activities. If the mitigation areas meet or exceed the performance criteria before the end of the second year of mitigation monitoring, no further monitoring shall be required. If the mitigation areas are not meeting the performance criteria by the end of the second year of mitigation monitoring, the monitoring period may be extended and the existing mitigation plan may be revised.

(2) A requirement that construction of any required mitigation shall commence not later than thirty days after completion of fill activities and shall be completed not later than one year thereafter unless additional time is required for the project at issue;

(3) Annual monitoring reports that shall be submitted to the director not later than the thirty-first day of December of each year following the end of the first full growing season and completion of mitigation construction until the mitigation area is determined to meet its performance criteria. Each report shall contain all of the following information, as applicable:

(a) The status of all mitigation required for the project;

(b) Current contact information for all responsible parties including phone numbers, electronic mail addresses, and mailing addresses;

(c) Clear identification of the specific monitoring period the report is intended to represent, as well as the calendar year the monitoring occurred;



- (d) A summary of current mitigation status comparing the monitoring information from the prior year with the current report;
- (e) A list of native seed mixes planted in all mitigation areas;
- (f) For the first year's report, plan views, longitudinal profiles, and cross sections of the as-built mitigation area including the location of native seed mixes in plan views;
- (g) A physical integrity assessment for each ephemeral feature that is a water of the state on the project site consisting of measurements of streambed width, incision (bank height) ratio measured as the lowest bank height divided by the maximum bankfull depth, substrate composition, and riparian composition on each side of the stream with the riparian area being measured as two times the streambed width divided equally on both sides of the stream. (For example, for an ephemeral feature that is a water of the state with a streambed width of two feet, then two feet on each side of the feature.)
- (h) At least three high resolution color photographs taken for each mitigation feature, including one facing upstream, one facing downstream, and a closeup that clearly depicts the substrate composition and size for each ephemeral feature that is a water of the state proposed for impact. Photographs shall accurately depict the quality of the feature and shall not include excessive cover that would prevent the observation of substrates, such as leaf litter, snow, or ice.
- (B) Not later than two years after completion of construction of any required mitigation, the director may require a person who impacted an ephemeral feature that is a water of the state to do any of the following:
- (1) Provide the minimum acreage of the mitigation of the ephemeral feature that is a water of the state, as necessary;
 - (2) Demonstrate that the physical integrity assessment of the mitigation is equal to or better than the physical integrity assessment of the originally impacted ephemeral feature that is a water of the state;
 - (3) Demonstrate that the mitigation of the ephemeral feature that is a water of the state, including



upstream and downstream of the mitigation, is stable and shows no signs of excessive bank erosion, sedimentation, headcutting, aggradation, entrenchment, or degradation.